



Maynard, O'Connor, Smith & Catalinotto, LLP

ATTORNEYS AT LAW

Michael E. Catalinotto
Thomas G. Daley
James R. Schultz
Bruce A. Bell
Concetta R. Lomanto
Edwin J. Tobin, Jr.
Michael E. Catalinotto, Jr.
Robert A. Rausch
Anne-Jo Pennock McTague, RN
Alexander L. Stabinski
Adam T. Mandell

3154 Route 9W
P.O. Box 180
Saugerties, New York 12477
(845) 246-3666
Fax (845) 246-0390

6 Tower Place
Albany, New York 12203
(518) 465-3553
Fax (518) 465-5845
www.maynardoconnorlaw.com

122 West Main Street
Johnstown, New York 12095
(518) 762-4212
Toll Free (800) 721-3553

Justin W. Gray
Aaron F. Carbone
Andrew S. Holland

OF COUNSEL
Angelo D. Lomanto

Christopher K.H. Dressler
(1980-2010)

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September 30, 2015

Maher v Quality Bus

Our File No.: 149.29644

Docket No.: 14 CV 3586 (JCM)

Via ECF Only

Magistrate Judge Judith C. McCarthy
United States District Court
Southern District of New York
300 Quarropas Street, Courtroom 421
White Plains, New York 10601

Dear Judge McCarthy:

Enclosed herewith for Your Honor's consideration, please find defendant, Quality Bus Service, LLC's Notice of Motion together with Attorney Declaration, supporting Exhibits and Affidavits, Statement of Material Facts and Memorandum of Law for an Order dismissing the punitive damages claims of the plaintiff.

By copy of this letter, all parties are being notified using the ECF filing system only.

Very truly yours,

MAYNARD, O'CONNOR, SMITH & CATALINOTTO, LLP

By 
Michelle L. Altieri, Paralegal
altieri@maynardoconnorlaw.com

Enc.

cc: Vincent Cimini, Esq. (via ECF/CMS)
Evan Foulke, Esq. (via ECF/CMS)
Keith LaRose, Esq. (via ECF/CMS)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTIN T. MAHER,

Plaintiff,

-against-

CAITLIN H. RAILO and
QUALITY BUS SERVICE, LLC,

Defendants.

NOTICE OF MOTION

Case No:14 CV 3586 (VLB)

Hon. Judith C. McCarthy

PLEASE TAKE NOTICE, that upon the Attorney Declaration of Adam T. Mandell, Esq., Affidavit of Michael Martucci, Affidavit of Mary Koselnak, Affidavit of Karen Wells and Affidavit of Patricia Ames, NP, inclusive of all exhibits annexed thereto, Statement of Material Facts Pursuant to Local Civil Rule 56.1, and the accompanying Memorandum of Law, and all prior pleadings and proceedings heretofore had herein, a Motion will be made in Courtroom 421, 300 Quarropas Street, White Plains, NY 10601, at Term of this Court to be held on November 2, 2015 at 2:00 in the forenoon, or as soon thereafter when Counsel can be heard, for an Order pursuant to Rule 12 (c) and Rule 56 (a) of the Federal Rules of Civil Procedure, dismissing the plaintiff JUSTIN T. MAHER's punitive damages claims, as well as his claims for Negligence & Corporate Liability (Count III) and Negligent Entrustment (Count IV), contained in the Second Amended Complaint (Doc. 8), as against the defendant QUALTY BUS SERVICE, LLC, together with such other and further relief as to this Court seems just and proper.

PLEASE TAKE FURTHER NOTICE, that Opposing Affidavits, if any, must be served upon the undersigned counsel for the defendant QUALITY BUS SERVICE, LLC, on or before October 19, 2015, in accordance with the Court's September 2, 2015 Order.

Dated: September 30, 2015

MAYNARD, O'CONNOR, SMITH
& CATALINOTTO, LLP



Adam T. Mandell, Esq.

[Bar Roll No. AM0612]

Attorneys for the defendant

QUALITY BUS SERVICE, LLC

P.O. Box 180

Saugerties, New York 12477

(845) 246-3668

mandell@maynardoconnorlaw.com

To: Law Offices of Cagnetti & Cimini (via ECF/CM)
Counsel for the Plaintiff Justin T. Maher
Scranton Electric Bldg., 7th Floor
507 Linden Street
Scranton, PA 18503

Evan M. Foulke, Esq. (via ECF/CM)
Foulke Law Offices
Counsel for the Plaintiff Justin T. Maher
25 Main Street, 3rd Floor
Goshen, New York 10924

Keith V. LaRose, Esq. (via ECF/CM)
LaRose & LaRose
Counsel for Codefendant Caitlin H. Railo
510 Haight Avenue
Poughkeepsie, New York 12603